

## EXAMINER'S COMMENT

### *Response to Arguments*

1. Applicant's arguments, see Remarks, filed March 18, 2010, with respect to the rejections of claim(s) 1-15, 17-29 and 33-57 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn.

### *Election/Restrictions*

2. Claim 1 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 30-32, directed to an alternate embodiment of the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on October 2, 2008 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Allowed Claims***

3. Claims 1-15 and 17-57 are allowed.

**REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance: Applicant presented arguments traversing the rejection of independent claims 1 and 54 under 35 U.S.C. 103 that were sufficient to overcome said rejection. Specifically, applicant argues that there is no motivation to combine the references cited in the manner cited to arrive at the claimed invention. The examiner agrees with this argument but not with any of the reasons supporting the argument provided by the applicant (i.e. those regarding glass transition temperature and other properties not being inherent in the Wu or Hale films, mole percents claimed not being taught or suggested by Wu or Hale). Upon further review of the Wu, Brink and Hale references, none discloses coating filler particles at all, much less coating with any fatty acid, or with a specific fatty acid in a specific amount based on particle weight. The examiner does agree with applicant's statement that the filler particles of Nakai are not substantially identical due to the second layer of organic compound, and thus they are not sufficiently similar to the Wu/Hale filler particles to fairly suggest their incorporation into the Wu or Hale films to one of ordinary skill in the art. Therefore one of ordinary skill in the art would not be motivated to modify the Wu/Hale combination film so as to contain the Nakai filler particles rather than those already present. Thus, the combination of Wu and Hale and Nakai does not meet all of the limitations of claims 1 and 54. Claims 2-15, 17-53 and 55-57 dependent therefrom are thus also in condition for allowance.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

Art Unit: 3761

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO 02/46277 A1 to Schiffer et al. Schiffer discloses a copolyester film meeting all of the compositional and property limitations of claims 1 and 54 with regard to the base film, but also, like Wu, does not disclose or fairly suggest coated filler particles as claimed (for the same reasons as discussed above with respect to the Wu reference) or a polyfunctional branching agent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELANIE J. HAND whose telephone number is (571)272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/804,921  
Art Unit: 3761

Page 5

/Melanie J Hand/  
Primary Examiner, Art Unit 3761